

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00248-02 JMS
)	
Plaintiff,)	ORDER DENYING MOTION TO
)	RECONSIDER ORDER DENYING
vs.)	MOTION TO CORRECT OR
)	REDUCE A SENTENCE
ROBERT SIGOUIN, (02))	PURSUANT TO FEDERAL RULE
)	OF CRIMINAL PROCEDURE 35(a)
Defendant.)	
_____)	

**ORDER DENYING MOTION TO RECONSIDER ORDER DENYING
MOTION TO CORRECT OR REDUCE A SENTENCE PURSUANT
TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(a)**

On March 30, 2007, pro se Defendant Robert Sigouin ("Sigouin") filed a timely motion seeking a reduction in his sentence pursuant to Fed. R. Crim. P. 35(a). That motion was denied by written order on April 4, 2007.

On April 13, 2007, Sigouin filed a document entitled "Motion in Response to Order Denying Motion to Reduce Sentence Pursuant to Federal Rule of Criminal Procedure 35(a)." The court construes this pleading as a motion for the court to reconsider its April 4, 2007 Order.

A "motion for reconsideration must accomplish two goals. First, a motion for reconsideration must demonstrate reasons why the court should

reconsider its prior decision. Second, a motion for reconsideration must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." *Donaldson v. Liberty Mut. Ins. Co.*, 947 F. Supp. 429, 430 (D. Haw. 1996); *Na Mamo O 'Aha 'Ino v. Galiher*, 60 F. Supp.2d 1058, 1059 (D. Haw. 1999).

Courts have established only three grounds justifying reconsideration: (1) an intervening change in controlling law; (2) the discovery of new evidence not previously available; and (3) the need to correct clear or manifest error in law or fact in order to prevent manifest injustice. *See Mustafa v. Clark County School District*, 157 F.3d 1169, 1178-79 (9th Cir. 1998); *Great Hawaiian Financial Corp. v. Aiu*, 116 F.R.D. 612, 616 (D. Haw. 1987), *rev'd on other grounds*, 863 F.2d 617 (9th Cir. 1988). The District of Hawaii has implemented these standards in Local Rule 60.1¹.

¹ Local Rule 60.1 provides that:

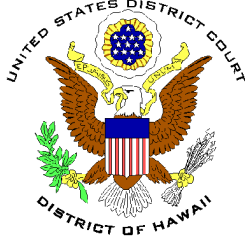
Motions for reconsideration of interlocutory orders may be brought only upon the following grounds:

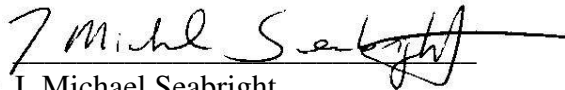
- (a) Discovery of new material facts not previously available;
- (b) Intervening change in law;
- (c) Manifest error of law or fact.

After a careful review of the Motion to Reconsider, the court finds that Sigouin has not presented the court with a change in controlling law, the discovery of new evidence, or a need to correct a manifest error of law or fact. As a result, the motion is DENIED.

IT IS SO ORDERED.

DATED at Honolulu, Hawaii, April 17, 2007.




J. Michael Seabright
United States District Judge

United States v. Sigouin, Cr. No. 05-00248-02 JMS, Order Denying Motion to Reconsider Order Denying Motion to Correct or Reduce a Sentence Pursuant to Federal Rule of Criminal Procedure 35(a)